

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Implementation of Section 621(a) (1) of the Cable)	MB Docket No. 05-311
Communications Policy Act of 1984 as Amended)	
by the Cable Television Consumer Protection and)	
Competition Act of 1992)	

COMMENTS OF THE MASHPEE MASSACHUSETTS BOARD OF SELECTMEN
November 5, 2018

The Selectmen of the Town of Mashpee, Massachusetts appreciate the opportunity to file comments on the Second Further Notice of Proposed Rulemaking ("FNPRM") in the above-referenced docket. We strongly oppose the tentative conclusions in the FNPRM that cable-related in-kind contributions are franchise fees and that local governments have no authority regarding cable operators' use of the rights of way to provide non-cable services.

The Town of Mashpee has approximately 14,000 full time residents and the population rises to over 34,000 during the summer months. Comcast is the sole provider of Cable in Mashpee. All of our residents rely on Cable services and particularly the PEG Access channels to remain in touch with local news, information and governmental decisions which may affect them as property owners in Mashpee. Additionally, the majority of residents are classified as senior citizens who continue to use cable television as a large part of their daily routine. The Town has enjoyed a good relationship with Comcast and is in the midst of a ten year license with Comcast.

If the FNPRM is implemented it will have a negative impact on the Mashpee PEG Access organization by reduced franchise fees, as well as the other cable related services funded by franchise fees. Using "fair market value" to determine the amount of Cable services to be considered part of a franchise fee will lead to arbitrary deductions that would put in jeopardy the long term contract the Town of Mashpee now holds with the Cable provider.

The broad scope of "Cable related in kind contributions" as defined in the FNPRM to include PEG Channel capacity and transmission, cable drops at community buildings; including schools and the public library, are not services that specifically benefit the Local Franchise Authority (LFA) but rather are community benefits and, like build-out obligations, should not be considered franchise fees.

The Town of Mashpee considers the local PEG Access channels a valuable part of the community communications infrastructure and along with Cable drops at community buildings these services should not be considered a benefit to the LFA but benefits to the residents of Mashpee.


The cable license which governs the use of rights of way with regards to Cable installations, specifically sites public safety and livability issues related to deploying wireless facilities or other non-cable facilities without any local oversight. The LFA has concerns about maintaining a level playing field among providers of similar services where this FNPRM would preclude the Town from applying the same regulations to cable operators as are applied to non-cable operators that provide competing services.

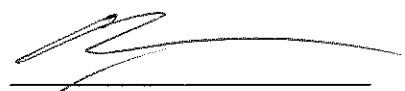
Mashpee residents rely on the local PEG Access channels to provide communications regarding local issues that do not receive media coverage from any other media outlets. Without competition from any other cable and broadband companies, the objectives of the FNPRM will not be met and will only cause harm to the residents of Mashpee by lessening the ability of the PEG access provider to operate, and with the removal of certain goods and services that residents have relied upon for years to get needed information for and by the community, will do a great disservice to the residents.


In conclusion, we, the Mashpee Board of Selectmen, strongly oppose the tentative conclusions in the FNPRM that cable-related in-kind contributions are franchise fees and should deducted be from current franchise fees, and that local governments have no authority regarding cable operators' use of the rights of way to provide non-cable services.

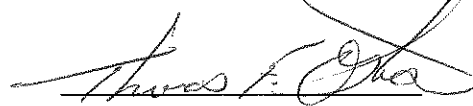
Respectfully submitted,
BOARD OF SELECTMEN
16 Great Neck Road North
Mashpee, Massachusetts 02649
Tel. (508) 539-1401


Carol A. Sherman, Chair


John J. Cahalane, Vice Chairman


Andrew R. Gottlieb, Clerk


John J. Cotton


Thomas F. O'Hara